

¹ 5 U.S.C. § 8101 *et seq.*

by a steel bar. On the reverse side of the claim form, appellant's supervisor acknowledged that appellant was injured in the performance of duty. Appellant did not stop work.

Appellant and his colleague, M.P., submitted statements dated August 4, 2019 attesting that appellant had picked up a package which consisted of a large steel bumper. The package was oddly shaped, it slipped, "clipped appellant's face" and chipped his two front teeth.

OWCP received a statement dated August 4, 2019 from appellant's supervisor, G.R. wherein she related that appellant had reported that he chipped his front tooth on a parcel. G.R. also noted that he initially stated that he did not require medical attention.

OWCP also received a narrative statement from appellant dated April 19, 2021 wherein he explained that his injury required extensive dental work. Appellant advised that his claim was for reimbursement of \$3,118.00 of dental expenses.

In a development letter dated May 24, 2021, OWCP advised appellant that additional medical evidence was necessary to establish his claim. It afforded him 30 days to submit the necessary evidence. No additional evidence was received.

By decision dated July 1, 2021, OWCP accepted that the August 4, 2019 employment incident occurred, as alleged, but denied appellant's claim finding that he had not submitted medical evidence containing a medical diagnosis in connection with his accepted employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning FECA, that the claim was timely filed within the applicable time limitation period of FECA,³ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁴ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a fact of injury has been established. There are two components involved in establishing fact of injury. The first component is that the

² *Id.*

³ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place, and in the manner alleged. The second component is whether the employment incident caused a personal injury.⁶

ANALYSIS

The Board finds that appellant has established a tooth injury causally related to the accepted August 4, 2019 employment incident.

The evidence of record establishes that appellant's coworker, M.P., was present and witnessed that on August 4, 2019 appellant lifted a package, containing a large metal bumper, which slipped in his hands, "clipped [appellants] face" and chipped his front teeth. Appellant's supervisor, G.R., has corroborated that appellant immediately informed her of his injury on August 4, 2019.

OWCP's procedures provide that, if the condition reported is a minor one, which can be identified on visual inspection by a lay person, a case may be accepted without a medical report and no development of the case needs to be undertaken, if the injury was witnessed or reported promptly, and no dispute exists as to the occurrence of an injury, and no time was lost from work due to disability.⁷

The Board finds that appellant's tooth injury is a visible injury, which was witnessed and identified by appellant's lay person coworker. Appellant promptly reported the injury, no dispute exists as to the occurrence of the injury, and he lost no time from work. Therefore, no further development of the medical evidence is necessary for acceptance of the claim.⁸

As appellant has established that he sustained a tooth injury from the August 4, 2019 employment incident, the Board will, therefore, reverse OWCP's July 1, 2021 decision and remand the case for payment of medical expenses for appellant's tooth injury, to be followed by a *de novo* decision regarding any attendant disability.

CONCLUSION

The Board finds that appellant has met his burden of proof to establish a tooth injury causally related to the accepted August 4, 2019 employment incident.

⁶ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carbone*, 41 ECAB 354 (1989).

⁷ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6(a) (June 2011); *id.* at Chapter 2.805.3(c) (January 2013). *See also A.J.*, Docket No. 19-1289 (issued December 31, 2019).

⁸ *Supra* note 7.

ORDER

IT IS HEREBY ORDERED THAT the July 1, 2021 decision of the Office of Workers' Compensation Programs is reversed.

Issued: April 19, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board